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| 10/725,579   | 12/03/2003  | Poh C. Chua          | 27592-00107-US2     | 3455             |
| 30678 7590 07/09/2009<br>CONNOLLY BOVE LODGE & HUTZ LLP<br>1875 EYE STREET, N.W.<br>SUITE 1100<br>WASHINGTON, DC 20006 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| GELIN, JEAN ALLAND   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2617   |             |                      |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/725,579

**Applicant(s)**

CHUA ET AL.

**Examiner**

JEAN A. GELIN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44, 45, 48-52, 55-58 and 63-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44, 45, 48-52, 55-58 and 63-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is in response to the Applicant's arguments filed on April 07, 2009 in which claims 44, 45, 48-52, 53-58, and 63-75 are currently pending.
2. Applicant's arguments in the Appeal Brief with respect to claims 71-73 and 75 are persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 44, 45, 48-52, 55-58, 63-70, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US 2003/0055560) in view of Yamamoto (2002/0142803).

Regarding claims 44, 51, and 56, Phillips teaches monitoring a relationship between a wireless device and a vehicle by evaluating location information that specifies a location of the wireless device, that specifies a location of the vehicle, wherein the geographical location information is generated for each of the wireless device and the vehicle by at least one location system, to determine the relationship by comparing the location of the wireless device to the location of the vehicle (in paragraphs [0008]-[0011], a relationship between the terminal and the vehicle exist for

displaying at the terminal, the geographic location of the terminal and the geographic location of the vehicle).

Phillips does not specifically teach enabling operation of the wireless device in a hands-free mode if the relationship satisfies a condition.

However, the preceding limitation is known in the art of communication. Yamamoto teaches when the mobile telephone is in the vehicle information can be transmitted in hands-free mode without making any operation [0048]). Given that both systems are in the same field of endeavor, and each mobile phone have relation with the system in the vehicle individually. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to implement the system of Yamamoto within the system of Phillips in order to facilitate the driver to make a phone by its hands-free talk function without holding the mobile telephone.

Regarding claims 45, 60, Phillips in view of Yamamoto teaches all the limitations above. Yamamoto further teaches wherein the relationship indicates that the device is located within the vehicle (section 48)

Regarding claim 48, Phillips in view of Yamamoto teaches all the limitations above. Yamamoto further teaches comprises measuring a signal strength transmitted by the wireless device by a transceiver associated with the vehicle in addition to evaluation of location (i.e., signal strength determination is inherently present for detection when to connect or disconnect the MS to AS, sections 58-59, determination when to assign the BT radio link to the car audio device is base on the location of the MS with respect to the car audio device, section 48).

Regarding claims 49, and 63, Phillips in view of Yamamoto teaches all the limitations above. Yamamoto further teaches wherein the wireless device is a wireless telephone (MS is mobile telephone, section 48).

Regarding claim 50, Phillips in view of Yamamoto teaches all the limitations above. Yamamoto further teaches wherein the enabling operation of the wireless device in a hands-free mode is performed by the wireless device (section 48).

Regarding claims 52, 57, Phillips in view of Yamamoto teaches all the limitations above. Phillips further teaches wherein the determining is performed by a geonavigational positioning system ([0043] and [0083]).

Regarding claim 55, Phillips in view of Yamamoto teaches all the limitations above. Yamamoto further teaches wherein the enabling is performed by a microprocessor that controls the wireless telephone (sections 13 and 48).

Regarding claim 58, Phillips in view of Yamamoto teaches all the limitations above. Phillips further teaches wherein at least one of the location systems is a GPS receiver ([0083]).

Regarding claims 65-70, and 74, Phillips in view of Yamamoto teaches all the limitations above. Yamamoto further teaches disabling non-hands-free operation of the mobile device if the positional relation indicates that the wireless device is located within the vehicle (i.e., inside the car the mobile telephone set MS to a hands-free mode and when out of the hands-free mode is automatically disconnected [0019] and [0048]).

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5. Claims 71-73, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US 2003/0055560) in view of Yamamoto (2002/0142803) further in view of Parvulescu et al. (US 6,687,497).

Regarding claims 71-73, and 75, Phillips in view of Yamamoto teaches all the limitations except generating an interference to disrupt non-hands-free operation of the wireless device.

However, the preceding limitation is known in the art of communications. Parvulescu teaches a small transmitter built into the electric system of an environment, either stationary or potentially mobile, transmits a weak RF field capable of at least partially disabling a communication device in response to receiving a trigger. The trigger signal is generated by the electric system in response to the presence of one or more so-called "forbidden" conditions that require that the communication device be disabled (col. 2, line 59 to col. 3, line 15). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Parvulescu within the system of Phillips with Yamamoto in order to disable a portion of the communication device while continually register with cells sites, and maintain communication with emergency personnel when needed.

### ***Response to Arguments***

6. Applicant's arguments filed 04/07/09 have been fully considered but they are not persuasive.

As per claims 44, 51, 56, and 64, the Applicant argues that the prior art does not disclose or suggest enabling a hands-free mode of operation when a condition is satisfied with respect to the geographical relationship between the wireless device and the vehicle. Yamamoto relies on a query-response type of operation to determine when a wireless device is in proximity to a base station located in the vehicle. This does not correspond to a condition based on geographical locations of the device and the vehicle.

However, the Examiner disagrees with the preceding arguments. In the Yamamoto's system, a relationship should exist between the MS (wireless device) and the AS (vehicle device) to establish communication. As suggested by the Applicant, the system of Yamamoto determines when the wireless device is in proximity to a base station located in the vehicle (corresponding to geographical relationship between the MS and the AS). A hands-free mode is activated when the MS is in the vicinity of the base station of the car audio device. Yamamoto further teaches when the mobile telephone is in the geographic location of the vehicle, information can be transmitted in hands-free mode without making any operation [0048] (condition is satisfied when MS is close to BT of AS), upon entry in the car radio area, a communication link is automatically established between the car mounted electronic device and the mobile communication terminal itself. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to implement the system of Yamamoto within the system of Phillips in order to use the car audio system for wireless communication

without holding the mobile telephone, thereby enabling hands-free communication. The Examiner maintains the rejection as recited above.

The Applicant further argues that the system of Phillips and the system of Yamamoto are not combinable. However, the Examiner disagrees with the preceding arguments. They are both in the same field of endeavor and they are both required the mobile station to be in the vicinity of the vehicle to establish communication. Therefore, there is enough suggestion to combine the system of Phillips with the system of Yamamoto.

As per claims 65-70, and 74, the Applicant further argues that the prior art fails to teach disabling the non-hands-free operation if the positional relationship between the wireless device and the vehicle indicates that the wireless device is located within the vehicle. The Examiner disagrees with the preceding arguments. Yamamoto teaches disconnecting the radio channel between the car electronic device (AS) and the mobile communication when the mobile is away from the radio coverage of the car and automatic connection is made between the mobile and the car electronic device (AS) when within the radio coverage of the vehicle. Therefore, the Examiner maintains the rejection as recited above and the rejection is final.

As per claim 48, the Applicant argues that the prior arts fail to teach measuring signal strength transmitted by the wireless device by a transceiver associated with the vehicle in addition to evaluation of location. However, the Examiner disagrees with the preceding arguments. Yamamoto inherently teaches signal strength determination present for detecting when to connect or disconnect the MS to AS, sections 58-59,



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determining when to assign the BT radio link to the car audio device is base on the location of the MS with respect to the car audio device, section 48. Therefore, the Examiner maintains the rejection as recited above.

7. Applicant's arguments with respect to claims 71-73 and 75 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Okuda et al.

US 6,262,657

07/17/2001

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN A. GELIN whose telephone number is (571)272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean A Gelin/  
Primary Examiner, Art Unit 2617  
July 9, 2009